

portion intermediate the two enlarged end portions, one of the two enlarged end portions corresponding to a back region of the absorbent article; and

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the elongated material comprising a fluid impermeable backsheet, a fluid permeable body-side liner attached to one side of the fluid impermeable backsheet, and a pocket sheet having opposed peripheral edges, the opposed peripheral edges attached to the fluid permeable body-side liner, and at least two opposed pleats in the pocket sheet along opposite sides of the pocket sheet and disposed substantially parallel to a longitudinal centerline of the elongated material, whereby the pocket sheet is expandable in a direction away from the fluid impermeable backsheet and the pleats of the pocket sheet define peripheral sides of a pocket for collection of fecal matter.

No additional fee is required for this Amendment, as the number of independent claims and the number of total claims has not changed.

#### REMARKS

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks.

### **Interview Summary**

Applicant's undersigned attorney thanks the Examiner for her time and comments during a telephone interview on 08 January 2003. Applicant has amended the claim language to further clarify the relation between the pocket and the pleats as was discussed during the telephone interview.

### **Amendment to the Claims**

Applicant has amended Claims 3, 9, 15, and 18 by further describing the pleats in the pocket sheet and the relation of the pleats to the pocket. Support for this Amendment is found in FIGS. 1-3. No new matter has been added.

### **Claim Rejections - 35 U.S.C. §102**

The rejection of Claims 2-7, 9-14, and 18 under 35 U.S.C. §102(b), as being anticipated by Foreman (U.S. Patent 4,738,677) is respectfully traversed. Applicant has amended Claims 3 and 9 to recite that the pleats in the flap or pocket sheet define the pocket for collection of fecal matter. Claim 18 recites a pocket sheet including opposed pleats where the pleats of the pocket sheet define peripheral sides of a pocket for collection of fecal matter.

Foreman does not teach or suggest a pocket for collection of fecal matter defined by opposed pleats or a pocket where the pleats define the peripheral sides. Foreman teaches a diaper having a second barrier cuff 262 adjacent the end

edge of the diaper. (Column 5, lines 27-32). The second barrier cuff is formed by folding the end of the second barrier cuff member back on itself and securing it to another segment of the second barrier cuff to form a tunnel. (Column 5, lines 51-56).

Foreman teaches that a spacing elastic member 77 is preferably not disposed in the tunnel of the second barrier cuff, however such a construction "is contemplated." (Column 5, lines 61-68). The addition of the spacing elastic member 77 along the second distal edge 266 of the second barrier cuff 262 would result in gathering of the material of the second barrier cuff 262 along second distal edge 266, as such gathering occurs in the similarly structured first distal edge 66. (Column 5, lines 61-68).

The gathering in the barrier cuff 262 does not define a pocket or form peripheral sides of a pocket for collection of fecal matter as in Applicant's claimed invention. Therefore Foreman does not teach each and every limitation of Applicant's amended independent Claims 3, 9, and 18.

Claims 2, 4-7, and 10-14 depend from one of twice amended Claims 3 and 9, and are patentable for at least the same reasons.

### **Claim Rejections - 35 U.S.C. §103**

The rejection of Claims 15-17 under 35 U.S.C. §103(a) as being unpatentable over Foreman (U.S. Patent 4,738,677) in view of Igaue et al. (U.S. Patent 5,114,420). Applicant's arguments with respect to the Foreman patent as set forth hereinabove are equally applicable to this rejection, as amended Claim 15 recites

forming two discrete longitudinal pleats in a flap sheet proximate a back region along opposed sides of said flap sheet, the longitudinal pleats define a pocket between said flap sheet and said body-side liner. Foreman neither discloses nor suggests an absorbent article comprising a flap sheet having pleats in the manner required by Applicant's invention of amended Claim 15. Igaue et al. teaches gathered material, but only in the leg regions of a diaper, and does not disclose or suggest a flap or pocket sheet having discrete longitudinal pleats that define a pocket, as in Applicant's amended Claim 15.

Applicant respectfully urges that the Foreman patent and the Igaue et al. patent, alone or in combination, do not render Applicant's invention of amended Claim 15 obvious in the manner required by 35 U.S.C. 103(a).

### **Conclusion**

Applicant intends to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicant has not addressed in this response, Applicant's undersigned attorney requests a telephone interview with the Examiner.

Serial No.: 09/745,006

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Applicant sincerely believes that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Swanson', with a long horizontal flourish extending to the right.

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**Marked-up Version Showing Changes Made**

In the Claims:

3. (Twice Amended) An absorbent article comprising:

an elongated material having two enlarged end portions and a narrowed portion intermediate said two enlarged end portions, one of said two enlarged end portions corresponding to a back region of said absorbent article; and

said elongated material comprising a fluid impermeable backsheet, a fluid permeable body-side liner attached to one side of said fluid impermeable backsheet, and a flap sheet attached to said fluid permeable body-side liner, said flap sheet including two opposed pleats and being expandable in a direction away from said fluid impermeable backsheet proximate said back region of said absorbent article, whereby the pleats define a pocket therebetween for collection of fecal matter [is formed];

wherein [said flap sheet includes] ~~(the~~ two opposed pleats ~~are~~ along opposite sides of said pocket and) disposed substantially parallel to a longitudinal centerline of said elongated material.

9. (Twice Amended) A disposable diaper comprising:

a fluid impermeable outer cover, a fluid permeable body-side liner attached to said fluid impermeable outer cover and a flap sheet attached to said fluid permeable body-side liner, said flap sheet including two opposed pleats and

expandable in a direction away from said fluid impermeable outer cover whereby a pocket is defined between the pleats and formed inside said disposable diaper proximate a back region of said disposable diaper;

wherein [said flap sheet comprises at least two] the discrete pleats are disposed along opposed sides of said pocket and substantially parallel to a longitudinal centerline of said diaper.

15. (Amended) A method for producing a disposable absorbent article comprising the steps of:

forming a substantially rectangular multi-layer material comprising a fluid impermeable backsheet, a fluid permeable body-side liner attached to one side of said fluid impermeable backsheet, and a flap sheet attached to said fluid permeable body-side liner whereby said body-side liner is disposed between said fluid impermeable backsheet and said flap sheet;

removing a portion of said material from opposed longitudinal edges of said substantially rectangular multi-layer material, producing two enlarged end portions and a narrowed portion intermediate said two enlarged end portions, one of said enlarged end portions corresponding to a back region of said disposable absorbent article; and

forming at least two discrete longitudinal pleats in said flap sheet proximate said back region along opposed sides of said flap sheet, the longitudinal

pleats defining a pocket between said flap sheet and said body-side liner.

18. (Twice Amended) An absorbent article comprising:

an elongated material having two enlarged end portions and a narrowed portion intermediate the two enlarged end portions, one of the two enlarged end portions corresponding to a back region of the absorbent article; and

the elongated material comprising a fluid impermeable backsheet, a fluid permeable body-side liner attached to one side of the fluid impermeable backsheet, and a pocket sheet having opposed peripheral edges, the opposed peripheral edges attached to the fluid permeable body-side liner, and at least two opposed pleats in the pocket sheet along opposite sides of the pocket sheet and disposed substantially parallel to a longitudinal centerline of the elongated material, whereby [upon expansion of] the pocket sheet is expandable in a direction away from the fluid impermeable backsheet and the pleats of the pocket sheet define peripheral sides of a pocket for collection of fecal matter [is formed by the pocket sheet].